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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

BRANDON FRASER,

Defendant and Appellant.

D052340

(Super. Ct. Nos. SCN226646,
SCN229364-2,
SCN230094 &
SCN234652)

APPEAL from a judgment of the Superior Court of San Diego County, K. Michael Kirkman , Judge. Affirmed.

In superior court case No. SCN226646, Brandon Fraser entered a negotiated guilty plea to second degree burglary (Pen. Code,¹ § 459). Under the plea bargain, the prosecution agreed that Fraser would be granted probation and any jail sentence would run concurrent to the sentence imposed in two pending probation revocation cases.

¹ Statutory references are to the Penal Code.

Five months later, Fraser entered negotiated guilty pleas to burglary charges in three other cases. In superior court case Nos. SCN229364 and SCN230094, Fraser pled guilty to second degree burglary. In superior case No. SCN234652, Fraser pled guilty to residential burglary (§§ 459 & 460). Under the three-case plea bargain, Fraser would receive a stipulated prison sentence totaling six years. The parties stipulated to a four-year prison term for the residential burglary plus consecutive eight-month terms (one-third of the middle term) for the second degree burglary counts in superior court case Nos. SCN230094, SCN229364 and SCN226646, which was the case in which Fraser earlier had pled guilty and was awaiting sentence. Also, as part of the plea bargain, the prosecution agreed not to file any additional charges arising in the North County Judicial District unless there were cases involving serious or violent felonies.

The court sentenced Fraser to six years in prison and ordered him to pay restitution totaling \$12,531.52.

FACTS

On July 6, 2006, Fraser unlawfully entered a motel in Oceanside and stole the motel's key encoder, room files and three 2-way radios from the front desk.

On January 5, 2007, Fraser forced open the rear door of a residence in Carlsbad and stole two laptop computers.

On January 30, 2007, Fraser unlawfully entered a locked vehicle in Carlsbad with the intent to commit a theft.

On March 3, 2007, Fraser smashed a window and gained entry to a beauty salon in Vista. Fraser ransacked the business and stole several items.

DISCUSSION

Appointed appellate counsel has filed a brief setting forth evidence in the superior court. Counsel presents no argument for reversal, but asks that this court review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436. Pursuant to *Anders v. California* (1967) 386 U.S. 738, counsel refers to as a possible, but not arguable, issue: whether Fraser was given the benefit of his plea agreement with the prosecution.

We granted Fraser permission to file a brief on his own behalf. He has not responded.

A review of the record pursuant to *People v. Wende, supra*, 25 Cal.3d 436 and *Anders v. California, supra*, 386 U.S. 738, including the possible issue referred to by appellate counsel, has disclosed no reasonably arguable appellate issue. Competent counsel has represented Fraser on this appeal.

DISPOSITION

The judgment is affirmed.

BENKE, J.

WE CONCUR:

McCONNELL, P. J.

McINTYRE, J.